

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(MBHB Docket No. 08-1471-US)

In the Application of:)	
)	
Robert Derek Le Gesse et al.)	
)	Examiner: Junchun Wu
Serial No. 10/693,051)	
)	Art Unit: 2191
Filed: October 24, 2003)	
)	Confirmation No. 1539
For: Technique for Installing a Station Device)	
Driver)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO CORRECT PATENT TERM ADJUSTMENT

Dear Sir:

The total patent term adjustment both shown in PAIR and indicated on the Determination of Patent Term Adjustment (PTA) on the Notice of Allowance mailed February 19, 2010 ("PTA Determination of the NOA") for this application is 869 days.

I. The Office inadvertently erred in calculating PTA regarding an RCE filed January 5, 2009 in response to a final office action mailed July 3, 2008. As such, the PTA should be reduced to properly account for the RCE. Applicant believes the reduction should be from 869 days to 688 days, for a net reduction of 181 days.

Applicant believes the Office inadvertently erred in calculating PTA regarding an RCE filed January 5, 2009 ("the RCE") in response to a final office action mailed July 3, 2008 ("the Final Office Action").

Chronologically, the Office mailed the Final Office Action on July 3, 2008, Applicant filed a response after final on August 22, 2008, the Office mailed an Advisory Action on December 8, 2008, and Applicant filed the RCE on January 5, 2009.

According to 37 C.F.R. § 1.704(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative

total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request.

In the context of the Final Office Action, Applicant submits that filing the RCE on January 5, 2009 was the last reply to the Final Office Action. The three-month date after mailing the Final Office Action was October 3, 2008. There are 94 days between October 3, 2008, the three-month date, and the January 5, 2009 filing date of the RCE. Thus, Applicant believes that PTA should be reduced by 94 days in response to filing the RCE.

However, PAIR indicates that the filing of RCE lead to the addition of 87 days of PTA in Applicant's favor. Therefore, Applicant believes the Office inadvertently erred by adding 87 days of PTA, rather than reducing PTA by 94 days, as a consequence of filing the RCE. The net effect of this inadvertent error was to add $87+94 = 181$ additional days to Applicant's PTA.

To correct for this inadvertent error, Applicant submits that the PTA for this application should be reduced from 869 days to 688 days, for a net reduction of 181 days. Applicant respectfully requests the appropriate correction.

II. Conclusion

As this request is made to reduce Applicant's PTA in accordance with Applicant's duty of full faith and candor with the Office, Applicant believes no fees are due in connection with this request. Nevertheless, Applicant authorizes the Office to charge any underpayment or credit any overpayment related to this request to Deposit Account No. 13-2490.

The Office is invited to contact the undersigned as necessary to expedite this request at (312) 913-3338.

Respectfully submitted,

**McDonnell Boehnen
Hulbert & Berghoff LLP**

Date: March 18, 2010

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